



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 3, 2014

Edward L. Donohue
Donohue and Stearns, PLC
117 Oronoco Street
Alexandria, VA 22314

Re: Special Exception Application SE 2013-DR-019 and Application 2232-D13-9

Dear Mr. Donohue:

At a regular meeting of the Board of Supervisors held on December 2, 2014, the Board denied Special Exception Application SE 2013-DR-019 in the name of CWS VII, LLC and the Trustees of Andrew Chapel United Methodist Church, located at 1301 Trap Road, Tax Map 19-4 ((1)) 47 in the Dranesville District.

At the same meeting, the Board of Supervisors overturned the Planning Commission's decision on Application 2232-D13-9 and denied 2232-D13-9.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

Attachment: Verbatim Transcript – Portion of December 2, 2014, Board of Supervisor's Meeting
Public Hearing on SE 2013-DR-019

cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay
Michael Davis, Section Chief, Transportation Planning Division
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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***Verbatim Transcript - Portion of December 2, 2014, Board of Supervisors' Meeting
Public Hearing on Special Exception Application SE 2013-DR-019 (CWS VII, LLC
and the Trustees of Andrew Chapel United Methodist Church) (Dranesville District)***

(7:04 p.m.)

Chairman Bulova: I will turn to Supervisor Foust for his recommended action.

Supervisor Foust: Thank you, Madam Chairman. I want to thank everyone who's come out this evening. I want to thank staff for working hard on this for a long period of time....uh, but I do have a motion. We have before us this evening an application filed by CWS VII, LLC, and the Trustees of the Andrew Chapel United Methodist Church seeking special exception approval of a telecommunications facility to be located on the property of Andrew Chapel United Methodist Church. I've also asked the Planning Commission's this.....uh....I've also asked that the Planning Commission's decision on the 2232 application be joined with the special exception because the Board has the final say on such matters and may overrule the Planning Commission by a majority vote pursuant to Virginia Code Annotated Section 15.2-2232. These applications propose to locate a 120-foot bell tower-style telecommunications facility and related ground structures on this church property. I will call it a tower to avoid any confusion, because this is in-fact a standalone structure and not a traditional bell tower that is integrated into an existing church. These applications have ignited considerable opposition from residents in the surrounding area. Many residents coalesced to form a group known as Stop Andrew Chapel Cell Tower, united in their opposition to the cell tower. They attended balloon flies, participated in meetings, circulated petitions, and submitted extensive materials to the record. They also testified at the Planning Commission and many of them testified here tonight. Nevertheless, the Planning Commission was not persuaded by the opposition's arguments and voted to approve the 2232 application and recommend approval of the special exception application. For the reasons I will summarize this evening, I have reached a different conclusion. Our decision upon the special exception application is governed, first, by the general standards for special exceptions that are set forth in Zoning Ordinance Section 9-006. These standards require that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan. Likewise, the sole issue for consideration in our review of the Planning Commission's decision on the 2232 application is whether the location, character, and extent of the facility proposed in this application is substantially in conformance with the Comprehensive Plan. The Comprehensive Plan, in Objectives 42 and 43 of the Public Facilities section of the Policy Plan, encourages protection of historically significant resources and mitigation of visual impacts through no co-location...uh, through co-location of facilities on existing structures, location of new facilities on public properties, and through the design and screening of facilities. After carefully reviewing the companion applications, the staff report, all of the materials submitted for the record, and the matters addressed today at the public hearing, I have concluded that the proposal before us does not comply with these standards and objectives. The fundamental issue, as I see it, is the visual impact to the residential area and public way caused by the soaring height of the proposed tower and its lack of adequate screening. Under Objective 42, policies (k) and (1) of the Comprehensive Plan, a key concept in assessing telecommunications facilities is mitigation of negative visual impacts, including demonstrating how the proposed site provides the least visual impact on residential areas and the public way, as compared with alternate sites. The

140-foot tower and equipment compound is proposed to be located in an open, grassy area about 168 feet from the closest residential lot and only 60 feet from the property line along Leesburg Pike. The compound is also only 148 feet from the playground to the south. While the applicants refer to this facility as a "stealth" tower, there is nothing stealth about a 120-foot tower in an area where most of the existing structures measure less than 30 feet in height, including the one-story church on the application property. The mere fact that the antennae...the antennas will be concealed behind mock bells and panels does not mitigate the facility's visual impact as a whole. Further, it is hard, in my opinion, to see how this site offers the greatest opportunity for concealment when the sparse vegetation on the church property is approximately 50 to 60 feet tall...less than half of the proposed height of the tower. Worse still, the proposed screening will be only 6 feet tall when planted and will take years to reach the existing tree line, much less anywhere near the height of the tower. Photographs taken during the balloon fly and related photo simulations vividly illustrate the significant adverse visual impact to residents in surrounding neighborhoods and from across Leesburg Pike. There are also several historic sites located near the proposed site, including the original Andrew Chapel and cemetery located directly across from the proposed site, the nearby Bethel Primitive Baptist Church, as well as the Vernon Leigh House, Spring Glade, and Andrew Chapel School, all of which should, under Objective 42(m), be protected from negative impacts of telecommunications facilities. I am familiar with the historical sites in this area and disagree with the conclusion that there is no adverse visual impact to any of those resources. There was extensive debate over the Wolfrap Fire Station site as an alternative location for this facility. In light of the Comprehensive Plan's preference for public lands when such sites provide a similar opportunity to minimize impacts. The applicant did submit RF propagation maps, at the request of staff, though they insisted the Fire Station did not fulfill the coverage objectives of the proposed site. I am struck by the significant level of overlap in coverage between the two sites. I estimate nearly 60 percent. This leads me to conclude that the applicant could have fulfilled the bulk of their coverage objectives from that public site and potentially filled in the gaps through DAS nodes, a distributed antenna system. In my opinion, with all of the technological options available now, applicants should no longer expect to meet all of their coverage needs for an area, especially in residential areas, through construction of as tall a tower as they are permitted to build. Objective 42(c) encourages us to consider micro-cell technologies such as DASH...DAS...when new telecommunication structures are required to serve residential neighborhoods, if feasible. In their statement of justification, the applicant simply states that DAS is not a cost effective solution and would not provide effective coverage to surrounding neighborhoods. Yet they provide insufficient information to back-up this claim. I conclude that the applicant has not demonstrated why DAS is not a viable option in this area, either alone or in combination with one or more far shorter and far less visually obtrusive towers. This facility also falls far short of Objective 43(a) and (b), which directs that telecommunication facilities should resemble structures that are typically found in a similar context and that they should be disguised to be of a bulk, mass, and height typical of and similar to features selected. Andrew Chapel has an existing bell tower that measures only 33 feet tall, which plainly is not of the same bulk and height of the proposed tower, and there are no other churches in this vicinity with an actual bell tower even close to 120-feet in height. I find that this application also fails to satisfy Zoning Ordinance 9-006(3), which states that the proposed use shall be harmonious with and not adversely affect the use of development of neighboring properties. Many neighbors clearly do not consider this proposed use to be harmonious with their properties, and I agree with them. This site is located near an

established neighborhood of single-family homes with a lake, trails, and a wooded area that backs up to Wolf Trap Foundation for the Performing Arts. Neighbors expressed legitimate concerns that this cell tower would replace Wolf Trap as the landmark of their neighborhood which goes against Public Facilities Objective 4(c) which states that a facility should promote and enhance the community identity of existing character. The record is replete with descriptions of the proposed tower as a massive eyesore, threatening the idyllic neighborhoods. Further, the applicant neglects the negative impact this facility would have on the 120-acre undeveloped area known as Covance Laboratories. You'll recall that the applicant referred to that 120-acre undeveloped area as part of his buffer. In fact, the applicant includes this planned residential parcel as part of their so-called buffer in their presentations. I do not consider this proposed use to be in harmony with the general purpose of the R-1 regulations as required by Zoning Ordinance 9-006(2) as those regulations are intended to allow uses that are compatible with the low density residential character. There certainly are instances in which we have approved telecommunications facilities in low density residential areas; however, I find that the height, lack of adequate screening, and design of this facility are not in character with the R-1 regulations. I also question the need for construction of a new structure when the Comprehensive Plan stresses co-location of facilities. The applicants insist that there are no structures available for co-location, yet they have failed to adequately demonstrate why co-location would not work at the nearby Providence Baptist Church to provide, at a minimum, some of the coverage the applicants seek. As noted, I am concerned with the proposed construction of a 120-foot tower. Under objectives 42(h) and (i) of the Comprehensive Plan, the height and mass of a telecommunications facility shall be "no greater than necessary" and in character with the surrounding residential area. The applicants insist that the proposed 120-foot height is necessary to meet their coverage and capacity needs. However, they have failed to adequately show that other alternatives, for example, that a shorter tower at that site, combined with some DAS nodes, would not provide a similar or equivalent level of coverage and capacity. The insistence on a 120-foot tower is of particular concern where the Comprehensive Plan also calls for siting facilities to allow for future expansion. The proposed 100 and foot tower is already out of character at this location and any further expansion or height increase would only exasperate....exacerbate the visual impact. For all of these reasons, I find that the applicants have not satisfied the general standards for special exceptions under the Zoning Ordinance. Further, I find that the location, character, and extent of the telecommunications facility proposed in these applications are not substantially in accordance with the Comprehensive Plan. Therefore, Madam Chair, I move that the Board of Supervisors overturn the Planning Commission's decision on the 2232 application and deny Application Number 2232-D13-9; and I further move that the Board of Supervisors deny SE 2013-DR-019. So moved.

Supervisor Hyland and Supervisor Smyth: Second.

Chairman Bulova: Motions made, by uh Supervisor Foust, to deny...seconded jointly by Supervisor Smyth and Supervisor Hyland. Is there discussion on the motion? Supervisor Smyth.

Supervisor Smyth: Thank you, Madam Chairman.

Chairman Bulova: Then Supervisor Herrity.

Supervisor Smyth: Uh...interestingly enough, this is a bit beyond my District, but I'm pretty familiar with this area because my husband's parents lived just west of Shouse Village, as a matter-of-fact. So we drove out that way for decades, and currently I can say that they're still there because they are buried in the Andrew Chapel cemetery. Yes. So, in fact, I am (...inaudible...) but, I am familiar with this site...and...we have Tysons. And, the thing is that we are....we have planned our urban development there. We don't have to worry about cell phone coverage there we'll have tall buildings, they'll take care of it. Um...but the thing is that once you cross that line, cross the toll road, and go out 7 it's completely different. It really is a low density neighborhood, and like, they are large lots. And frankly, this, what they're proposing, they call it ecumenical, I would call it generic. Um...this tower looks very much like what we have over at the Graham Road Elementary School site...sandwiched between the old elementary school and an old strip shopping mall. And, we're not real thrilled with that one either, as a matter-of-fact. But it's the same structure, just some different colors, and you have put a cross on it. This is...this isn't integrating telecommunications into the architecture of the site or the community. Having spent time over at that cemetery with Saint Athanasius there, that nice little white wooden church that's quite old...this is....this is going to be a scar on the horizon, frankly. I can't think of it in any other way. It is *so* out of character with this area, and character is one of those things to be considered in a 2232. So, that's where I am on this, thank you.

Chairman Bulova: Supervisor Herrity, and then Supervisor Gross.

Supervisor Herrity: I'm in...I'm in a little different place on this. Umm...it's...it has been a long process and I'm not aware of a single cell tower application...at least since I've been on the Board...that hasn't generated community opposition. Nobody wants it in their backyard, but everybody wants and needs the service. I represent an area similar to this area, in the Clifton area, and, you know, many years before...years before I got on the Board they denied a cell tower that uh...that they've lived to regret, because the service is not great in Clifton to anybody who's been out there. And, we've had public safety communication issues and everything else. I...I appreciate the citizen's voicing their concerns and their work to improve the application to the point that it was approved by staff, and unanimously approved by the Planning Commission. I believe that CWS has demonstrated the need for their tower. I think the Dranesville District Planning Commissioner provided a well-reasoned argument for support of the tower, and I'm not gonna reiterate his uh....

Unidentified Supervisor: It went on for a long time.

Supervisor Herrity:it went on a long time too, yeah. Which lead to the unanimous public....uh, Planning Commission approval. I believe the application is in conformance with the Comprehensive Plan and meets the requirements of our Zoning Ordinance, and for those reasons I will be opposing the motion to deny.

Chairman Bulova: Okay, Supervisor Gross.

Supervisor Gross: Thank you, Madam Chairman. Um, it's been my experience, um....that cell towers generally blend into the periphery pretty quickly after installation. We've had a 135-foot

cell tower at Mason District Park since 1996...people coming to the park *all* the time, they have to go *pass* the cell tower and they say *oh, is there a cell tower here?* So it really does fade into the periphery. Um...but, this one, I was going to say oh my god, but, because this is at a...at a church I will say oh my goodness! This reminds me very much of the cell tower that is now the stealth's clock, that is now in the Providence District because it actually replaced the cellular service that was established at the Jefferson Fire Station in Mason District, which is going to be renovated, and we had no more space for the cell tower, and so we did have it moved to an appropriate location just on the other side of the street that is commercial...commercial, commercial, commercial. You do see it. You go, *what is that?* But you...but it is much more appropriate for that commercial area. Uh...we have uh...cell towers at Station 10, in my District, at Station 23 in my District. Um...the Station 10 is a traditional pole, the Station 23 is a stealth flagpole that did create a good deal of concern in the community, but ultimately got it established. So, I...I...I will support Supervisor Foust's motion to deny, because I think this one is out of character, but if a proposal comes forward for placing a similar uh...cell tower at Station 42, I hope that this community will support that request, because we know that our increased use of our gadgets requires more service via cell towers. So I will support your motion, Supervisor Foust, with a caution that they have to go somewhere. And, if Station 42 becomes the location I think we'll...they'll have a better opportunity for additional cell service. Thank you.

Chairman Bulova: Further discussion? Supervisor Hyland.

Supervisor Hyland: Just very quickly, uh...having dealt with a similar application, which was as difficult for the community to accept...uh...and, as I'm sure the applicant and counsel knows, the community opposed...this Board denied. I think it was not a...not a unanimous vote. The Planning Commission supported, we denied...sued. And, the decision of the Board was upheld...uh...and that decision was then appealed in the Federal District Court. But that case...certainly was not dissimilar from the case that I struggled with in Mount Vernon, because it was too tall...too much for the residential community, that was directly affected by the location of a very tall pole located in the heart of a residential zone. And, the reaction of the citizens that I represented was it changed the residential character of the community to that of commercial rather than residential. And I...I have the same reaction in...in this case...that, the people most directly affected are living in the residential community and I think, what Supervisor Gross has just said, and I...you answered my question, by the way, in terms of why the applicant is not looking at the fire station. But, I would hope that that would be an alternative that could made to work and I would be most happy to consider that application as opposed to the present. But I cannot support the application because it's too similar to what I had in my District, and I think Supervisor Foust has the same...is in the same position I was. I support the application...I support the motion to deny.

Chairman Bulova: Thank you, Supervisor Herrity...anyone who wishes....

Supervisor Gross: That was Supervisor Hyland.

Supervisor Hyland: It's alright. I don't mind....

Chairman Bulova: Get them mixed up all the time.

Supervisor Hyland: I don't mind you calling me Matt...that....but he does.

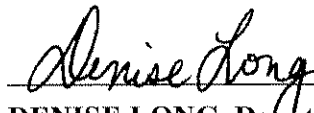
Chairman Bulova: Supervisor Hyland. Uh...I am also going to support Supervisor Foust's motion. And....and I would...I was just...in response to Supervisor Herrity's statement, sometimes towers do generate community opposition, but....actually, not all the time, and we've...we've...we and the Planning Commission have approved *way* more than have been denied. And I think, you know, the denials have been...maybe you can't count them on, you know, one or two hands. They've mostly been approved, and they've been worked out. Uh...and....and, so, you know, I agree with Supervisor Foust, and I agree with the community that, you know, that this truly is out of character. A better job could have been done to try to, you know, to blend this in...or to find another site where it can be...blend in a little bit more compatibly with the surrounding community and with the site. Uh...so anyway, if there's no further discussion, all those in favor of Supervisor Foust's motions to deny say aye.

Board in Unison (*with the exception of Supervisor Herrity*): Aye.

Chairman Bulova: Opposed, say nay.

Supervisor Herrity: Nay.

Chairman Bulova: And uh...so, Supervisor Herrity votes in the negative. The Chair votes aye, and the motions pass.



DENISE LONG, Deputy Clerk (transcriber)
Office of Clerk to the Board of Supervisors



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

Amended
APPLICATION No: SE 2013-DR-019
(Staff will assign)
RECEIVED
Department of Planning & Zoning
FEB 14 2014
Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME CWS VII, LLC & The Trustees of Andrew Chapel United Methodist Church	
	MAILING ADDRESS 2800 Shirlington Road, Suite 716 Arlington, Virginia 22206 1301 Trap Road Vienna, Virginia 22182	
	PHONE HOME ()	WORK (703) 845.1971
	PHONE MOBILE ()	
PROPERTY INFORMATION	PROPERTY ADDRESS 1301 Trap Road Vienna, Virginia 22182	
	TAX MAP NO. 0194 01 0047	SIZE (ACRES/SQ FT) 7.0127 acres
	ZONING DISTRICT R-1 <input checked="" type="checkbox"/>	MAGISTERIAL DISTRICT Dranesville <input checked="" type="checkbox"/>
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: n/a	
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION Sections 2-514, 3-104 & 9-104	
	PROPOSED USE Telecommunications facility; church (existing use) & nursery school (existing use)	
AGENT/CONTACT INFORMATION	NAME Edward L. Donohue	
	MAILING ADDRESS 117 Oronoco Street Alexandria, Virginia 22314	
	PHONE HOME ()	WORK (703) 549.1123
	PHONE MOBILE ()	
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Edward L. Donohue</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT SIGNATURE OF APPLICANT/AGENT</p>		

DO NOT WRITE IN THIS SPACE

SE 2014 - 0075

mpc
2/27/14

Date Application accepted: February 27, 2014 Application Fee Paid: \$ -

Virginia Ruffin

SE 2013-DR-019

Zoning Application Closeout Summary Report

Printed: 12/5/2014

General Information

APPLICANT: CWS VII, LLC & THE TRUSTEES OF ANDREW CHAPEL UNITED METHODIST CHURCH
DECISION DATE: 12/02/2014
CRD: NO
HEARING BODY: BOS
ACTION: DENY
STAFF COORDINATOR: CARMEN BISHOP
SUPERVISOR DISTRICT: DRANESVILLE

DECISION SUMMARY:

ON DECEMBER 2, 2014, THE BOARD DENIED SE 2013-DR-019 ON A MOTION BY SUPERVISOR FOUST, BY A VOTE OF 8 TO 1. THE BOARD ALSO REVERSED THE PLANNING COMMISSION APPROVAL AND DENIED 2232-D13-9.

APPLICATION DESCRIPTION:

CHURCH WITH NURSERY SCHOOL AND TELECOMMUNICATIONS FACILITY

Zoning Information

Existing Zoning		Proposed Zoning		Approved Zoning	
DISTRICT	AREA	DISTRICT	AREA	DISTRICT	AREA

Tax Map Numbers

0194 ((01))0047

Approved Land Uses

Zoning District:

LAND USE	DUS	RES LAND AREA	ADUS	WDUS	GFA	FAR	NRES LAND AREA
TOTALS							

12/5/2014